

**FILED**

**NOV - 1 2012**

**Commission on  
Judicial Performance**

**STATE OF CALIFORNIA**

**BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE**

**INQUIRY CONCERNING JUDGE  
BRUCE CLAYTON MILLS,**

**No. 192.**

**NOTICE OF FORMAL PROCEEDINGS**

To Bruce Clayton Mills, a judge of the Contra Costa County Municipal Court from August 14, 1995 to June 8, 1998, and a judge of the Contra Costa County Superior Court from June 8, 1998 to the present:

Preliminary investigation pursuant to Rules of the Commission on Judicial Performance, rules 109 and 111, having been made, the Commission on Judicial Performance has concluded that formal proceedings should be instituted to inquire into the charges specified against you herein.

By the following allegations, you are charged with willful misconduct in office, conduct prejudicial to the administration of justice that brings the judicial office into disrepute, and improper action within the meaning of article VI, section 18 of the California Constitution providing for removal, censure, or public or private admonishment of a judge or former judge, to wit:

On October 2, 2010, your minor son was issued a citation for possession of tobacco. On March 2, 2011, he appeared before Commissioner Joel Golub in department 59 of the Walnut Creek courthouse, where you are also assigned. He entered a guilty plea to an infraction and was ordered to complete 20 hours of volunteer work. The matter was stayed to May 31 to show proof of completion of the volunteer work. Shortly after the plea, your son was enrolled in a residential treatment program out of state, and he did not complete the volunteer work. An order to show cause hearing was set in department 59 on October 4, 2011, at 1:30 p.m.

On October 4, 2011, before the scheduled hearing, you spoke with the clerk for department 59 about your son's case. The conversation occurred by the judges' mail baskets on the first floor of the courthouse, and was initiated by you. You said that your son's matter was on calendar for that afternoon, that he was in an out-of-state program and that an attorney would be appearing on his behalf. You asked that the matter be called early so that the attorney did not have to wait. You told the clerk you wanted your son to get credit for the time spent in the program, and showed her documents reflecting payments made to the program provider. The clerk told you or confirmed to you that Commissioner Golub was absent and that the calendar was being handled by a judge pro tem.

At approximately 1:30 p.m, you saw the clerk for department 59 in the hallway. You told her that the attorney could not make the 1:30 p.m. appearance, and that you would be appearing instead. The clerk either knew that you had a

1:30 p.m. calendar or asked if you did, and raised the idea that you could possibly speak to the judge pro tem before the afternoon calendar for department 59 was called. You indicated that you would like to do so.

You then spoke to the judge pro tem in her chambers about your son's case, off the record, before she called the afternoon calendar. You told the judge pro tem that your son was in a program out of state and that you wanted him to receive credit toward the volunteer work requirement for being in the residential program. After questioning you about the program, the judge pro tem agreed to grant your request. No proceedings were conducted in open court on your son's case.

It is alleged that your conversation with the clerk and your chambers conversation with the judge pro tem on October 4, 2011 were inconsistent with the Code of Judicial Ethics, canons 1, 2, 2A, 2B(2) and 3B(7).

YOU ARE HEREBY GIVEN NOTICE, pursuant to Rules of the Commission on Judicial Performance, rule 118, that formal proceedings have been instituted and shall proceed in accordance with Rules of the Commission on Judicial Performance, rules 101-138.


Pursuant to Rules of the Commission on Judicial Performance, rules 104(c) and 119, you must file a written answer to the charges against you within twenty (20) days after service of this notice upon you. The answer shall be filed with the Commission on Judicial Performance, 455 Golden Gate Avenue, Suite 14400, San Francisco, California 94102-3660. The answer shall be verified and shall conform

in style to the California Rules of Court, rule 8.204(b). The Notice of Formal Proceedings and answer shall constitute the pleadings. No further pleadings shall be filed and no motion or demurrer shall be filed against any of the pleadings.

This Notice of Formal Proceedings may be amended pursuant to Rules of the Commission on Judicial Performance, rule 128(a).

BY ORDER OF THE COMMISSION ON JUDICIAL PERFORMANCE

DATED: October 29, 2012

  
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LAWRENCE J. SIMI  
CHAIRPERSON

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BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

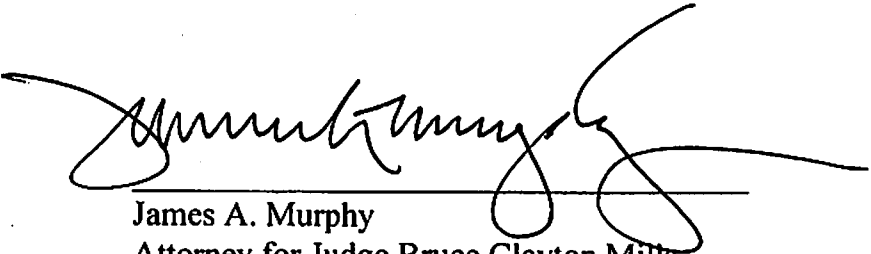
INQUIRY CONCERNING JUDGE  
BRUCE CLAYTON MILLS,

No. 192.

ACKNOWLEDGMENT OF SERVICE  
OF NOTICE OF FORMAL  
PROCEEDINGS

I, James A. Murphy, on behalf of my client, Judge Bruce Clayton Mills, hereby waive personal service of the Notice of Formal Proceedings in Inquiry No. 192 and agree to accept service by mail. I acknowledge receipt of a copy of the Notice of Formal Proceedings by mail and, therefore, that Judge Mills has been properly served pursuant to Rules of the Commission on Judicial Performance, rule 118(c).

Dated: 10/31/12

  
James A. Murphy  
Attorney for Judge Bruce Clayton Mills  
Respondent